

REMARKS/ARGUMENT

Claims 1-10 are pending in this application. Claims 1, 2, and 5-10 are rejected. Claims 3 and 4 are objected to. Applicant acknowledges the Examiner's indication that Claims 3 and 4 contain allowable subject matter, but refrain from rewriting these claims in independent form until final resolution of the underlying claims. By this amendment claims 1 and 2 are amended. The amendments to the claims and not to overcome the prior art, but to further define the claimed invention.

Claims 1 and 7 are rejected under U.S.C. 35 §102(e) is being anticipated by U.S. patent number 6,262,637 ("Bradley"). Applicant respectfully request reconsideration and withdrawal of this rejection.

To anticipate a claim under 35 U.S.C. § 102, the cited reference must disclose every element of the claim, as arranged in the claim, and in sufficient detail to enable one skilled in the art to make and use the anticipated subject matter. See, PPG Industries, Inc. v. Guardian Industries Corp., 75 F.3d 1558, 1566 (Fed. Cir. 1996); C.R. Bard, Inc. v. M3 Sys., Inc., 157 F.3d 1340, 1349 (Fed. Cir. 1998). A reference that does not expressly disclose all of the elements of a claimed invention cannot anticipate unless all of the undisclosed elements are inherently present in the reference. See, Continental Can Co. USA v. Monsanto Co., 942 F.2d 1264, 1268 (Fed. Cir. 1991).

Among the limitations in independent claim 1 not present in the cited references adjustable filter means for reducing leakage power and control means for setting one of the first and second attenuation amounts.

In Bradley, there is a single fixed filter as shown in figure 2, i.e., the transmit band. However, there is no second attenuation amount disclosed in Bradley. The Office Actions asserts that the second attenuation is shown in Bradley at column 1, lines 18-19. However, lines 18-19 discuss a duplexer. The duplexer provides coupling while preventing the modulated transmit signal generated by the transmitter from the antenna back to the input of the receiver truly overloading the receiver. This is not an attenuator. The discussed coupler (duplexer) provides a path in a forward direction while providing isolation in a second direction, not attenuation.

Further, Bradley does not disclose control means for setting one of the first and second attenuation amounts in said adjustable filter means. The Office Action asserts that the control means are disclosed by Bradley at column 1 lines 55-60. However, lines 55-60 state “in the example shown, band-pass filters are configured such that the high-frequency stop band of the band-pass filter 30 overlaps the pass-band of the band-pass filter 32 and low-frequency stop band of the band-pass filter 32 overlap the pass-band of the band-pass filter 30”. Nowhere in that quoted portion of Bradley is Applicant’s controlled means disclosed. The claimed control means are for selecting one of the first and second attenuation amounts. However, in Bradley, there is no control means to select between the attenuation values, namely, because Bradley only discloses one filter configuration that is set by design. Therefore, Bradley would not need control means to switch between non-existent multiple attenuators. As such, Bradley fails to disclose the explicitly recited limitations present in the independent claim 1. Thus, Applicant respectfully request that the Examiner refer to the objection from claim 1 and allow and pass claim 1 to issue.

Claims 2 thru 10 depend from allowable claim 1. Each of these dependent claims recite additional limitations which, in combination with claim 1 are also patentable. As such, Applicant respectfully requests that claims 2 thru 10 be passed to issue.

Applicant has responded to all of the rejections and objections recited in the Office reconsideration and Notice of Allowance for all of the pending claims is therefore respectfully requested.

The amendments to the claims are for clarification purposes only and are not intended to limit the scope of the claims in any way. It is asserted that the present amendment places the application in a form for allowance. Entry of this amendment is therefore earnestly solicited.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

Dated: August 26, 2004

Respectfully submitted,

By


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